

I Technology Edition

The Media and Information Law and Technology Committee is grateful for the opportunity to work with the *Bar News* Committee to produce this edition, which focuses on current issues of technology of interest and importance to barristers.



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This edition of *Bar News* provides a range of articles on current aspects of technology that affect barristers. The articles have been written and assembled by the members of the Media and Information Law and Technology Committee.

The Committee has a number of purposes, including:

- to monitor and maintain active participation in developments in the defamation, privacy law, media freedom, data law, artificial intelligence, and information technology spheres;
- to identify, investigate and monitor new technological developments that may

change the nature of a barrister's work and their practice; and

- to assist and educate members on the latest technology and how to incorporate it into their practices.

The recent explosion in public debate about artificial intelligence ('AI') – including, especially, its professional implications and the urgency of regulatory attention – and a flurry of reforms in the defamation space are two of the matters presently of keen interest to the Committee.

The Committee's recent activities have included drafting guidelines to assist members in the use of AI tools (particularly those based on generative pre-trained transformers, such as ChatGPT); considering measures to improve the security of data maintained by barristers and to ensure only necessary data is retained; making submissions to the inquiry held by the Legislative Council of New South Wales into AI in New South Wales; and making submissions to the NSW Department of Communities and Justice for the Stage 1 and 2 Defamation Reforms.

Bar News: The Technology Edition

This edition has a varied collection of articles on hot topics in technology and media law.

Three articles summarise two of the key themes the Committee is working on: cyber security and AI. There is an article by Matt O'Kane on the implications of the proposed Cyber Incident Review Board, which highlights the importance of cyber security; Ben Kremer analyses AI chatbots and the pitfalls to be aware of if one uses them in practice;

and Pouyan Afshar discusses the regulation of AI. Monique Cowden deals with a third key theme for the Committee: examining the reforms to the Defamation Act 2005 (NSW) that will commence on 1 July 2024. Those reforms introduce protections for digital intermediaries and a raft of measures affecting online defamatory publications.

Two articles deal with an essential aspect of modern practice: virtual hearings. Dr Carolyn McKay, of the University of Sydney, examines the use of audiovisual links in virtual criminal courts, while Justin Pen and Emily Aitken review cases in which the use of audiovisual links was a substantive issue. Continuing on the theme of the use of technology by the profession, David Parish examines the take-up by barristers of technology in their practice (including tips for identifying whether you are a Luddite); Nicholas Bentley examines 'going paperless' and using technology in chambers and court; Claire O'Neill interviews Simon Buchen SC about the benefits of running trials electronically (including appearing in court with only an iPad); and Victoria Brigden canvasses the current market for speech-recognition software.

Finally, two articles explore some developing ramifications of technology in the legal context. Michelle Mearns examines cyber stalking and technology-facilitated abuse, which is an increasingly prevalent problem in family law, and Allan McCay, Deputy Director of the Sydney Institute of Criminology, calls for the Australian Law Reform Commission to look at neurotechnology, following the Australian Human Rights Commission's report into that topic. BN